

# **Decision Notice and Finding of No Significant Impact**

## **“E” Area Motorized Wheeled Vehicle Travel Management Project**

**USDA Forest Service  
Emmett Ranger District, Boise National Forest  
Valley and Boise Counties, Idaho**

### **Introduction**

The Environmental Assessment (EA) for the Emmett Ranger District (RD) “E” Area Motorized Wheeled Vehicle Travel Management Project has been prepared pursuant to the requirements of the National Environmental Policy Act (NEPA, 40 CFR 1500-1508), the National Forest Management Act (NFMA) implementing regulations, including 36 CFR 219.2(c) and the transition provisions at 36 CFR 219.14), and the 2003 Boise National Forest (NF) Land and Resource Management Plan (Forest Plan). The project area encompasses approximately 241,293 acres of National Forest System (NFS) lands, mostly within portions of the Middle Fork Payette sub-basin, and the western portion of the South Fork Payette sub-basin. The project area includes all areas on the Ranger District that currently lack a fully designated road and trail system (“E” areas), as well as an area identified as a “D” travel management area immediately adjacent to the “E” areas.<sup>1</sup> Figure 1 displays the project vicinity.

The EA documents the analysis of a “no action alternative” and two action alternatives considered in detail that were designed to meet the purpose and need for the project. Alternative B is the proposed action (EA, section 2.3.2), while Alternative C was developed to address a general public concern expressed regarding the reduction in motorized recreation opportunity resulting from the elimination of specific designated motorized routes (Wetfoot and Onion Valley trails, and NFS road 613) in the proposed action, as well as a public concern about big-game vulnerability to hunting (EA, section 2.3.3).

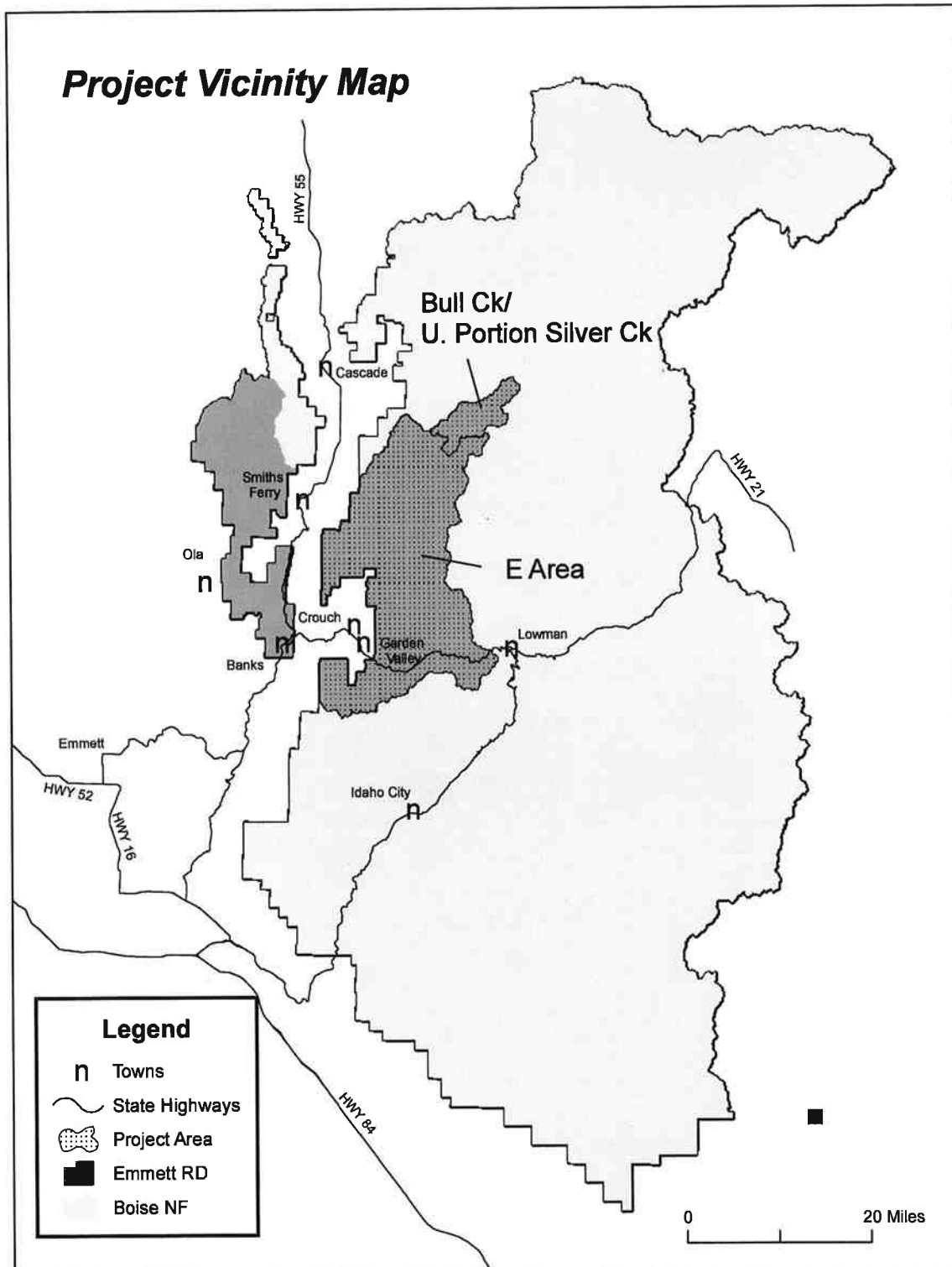
### **Purpose and Need**

The purpose of this action is to successfully and uniformly implement the Forest Service’s Travel Management Rule (36 CFR §261.13, 2007)<sup>2</sup> within the project area. The Forest Service’s designation of motorized wheeled-vehicle routes is intended to provide a sustainable and manageable system of motorized routes while protecting resources and addressing social conflicts.

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<sup>1</sup> In the late 1980s, the Boise National Forest established travel management areas with travel restrictions to enable safe travel, protect natural and cultural resources, separate motorized and non-motorized recreation opportunities, and minimize user conflicts. The travel management areas refer to off-trail and off-road area, not designated Forest Service roads and trails. Currently, in “D” travel management areas use of motorized wheeled vehicles is allowed on designated Forest Service roads and trails only. In “E” travel management areas off-road and off-trail motorized wheeled vehicle use is discouraged, but not prohibited (Boise National Forest Visitor/Travel Map, 2000). Subsequently, the 2004 Off Highway Vehicle Travel Management Project prohibited indiscriminate cross country travel in “E” travel management areas but allowed motorized wheeled vehicle use on designated Forest Service roads and trails and established but unauthorized routes (USDA, Forest Service 2004).

<sup>2</sup> “After National Forest System roads, National Forest System trails, and areas on National Forest System lands have been designated pursuant to 36 CFR 212.51 on an administrative unit or a Ranger District of the National Forest System, and these designations have been identified on a motor vehicle use map, it is prohibited to possess or operate a motor vehicle on National Forest System lands in that administrative unit or Ranger District other than in accordance with those designations...” (36 CFR 261.13).



**Figure 1: Project Vicinity**

The Forest Service's Travel Management Rule provides an opportunity to substantially enhance the Forest Service's ability to inform, manage, and administer motorized wheeled-vehicle uses on the Emmett RD. To meet the intent of the Travel Management Rule, the Emmett RD needs to designate the routes available for motorized wheeled travel.

To comply with the Forest Service's Travel Management Rule, motorized routes within the project area must be designated through a public involvement process. Currently, public motorized wheeled-vehicle travel within the project area consists of Forest Service authorized roads and trails as well as established unauthorized routes. Travel management policies, along with the ever-increasing amount of OHV use in Idaho (as documented in Figure 1.2 in the EA), has created an extensive network of unauthorized motorized routes. This existing network of routes and the associated use create problems that require agency action.

Allowing public motorized use on routes that are not part of the authorized Forest Service transportation system prevents the agency from effectively managing this use to minimize resource impacts and social conflicts and from achieving greater compliance with motorized travel restrictions.

Under the current travel management policy in these areas, the Forest Service can not inventory, display all the existing motorized routes, and inform the public of motorized/non-motorized opportunities. Because of this, forest visitors cannot benefit from available motorized opportunities or avoid areas where motorized routes exist. Finally, the existing Forest Special Order closures across the project area make it difficult for the public to comply with and the Forest Service to enforce the current travel management policy.

## Decision

I have reviewed the analysis present in the EA for the "E: Area Motorized Wheeled Vehicle Travel Management Project, considered the comments received on the EA, and discussed the project's anticipated effects with both the Interdisciplinary Team and Forest Staff. As a result, I have decided to implement **Alternative C (Enhanced Motorized Access), with the modifications described below.** Alternative C would limit public motorized wheeled-vehicle travel to a system of designated routes throughout the project area, thereby changing the existing motorized travel management situation from one of being "open for motorized use, unless specifically ordered closed and posted closed," to one of "closed for motorized vehicle use, unless specifically designated and mapped open." Motorized wheeled-vehicle use off road to access a campsite within 300 feet of a road designated for motorized use, or within 100 feet of a trail designated for motorized use, would continue, except along NFS road 671 road from the Silver Creek Plunge to NFS road 671E, and along NFS road 382AA along the South Fork Payette River. In both of these areas, access to dispersed camping would be allowed in designated areas only.

Other key features of Alternative C included with my decision are:

- The lower portion (approximately two miles) of the Wetfoot trail (NFS trail 041006) will be designated "open to motorcycle only." With the designation of this lower portion of the trail, the entire Wetfoot trail will be designated as "open to motorcycle only."
- Approximately three miles of the Onion Valley trail (NFS trail 036006) will be designated "open to motorcycle only." With the designation of this portion of the trail, the entire Onion Valley trail will be designated "open to motorcycle only." (See also the modification to Alternative C described below.)

- The lower portion (approximately 2 miles) of the Danskin Creek road (NFS road 613) connecting to the Banks-Lowman Highway will be designated "open to vehicles 50" or less in width."
- A short (about 0.25 mile) section of established route will be designated "open to vehicles 50" or less in width." This designation will connect the Bear Wallow trail (NFS trail 035006) to NFS road 693E, thereby providing an additional off-highway vehicle (OHV) loop opportunity.
- Seasonal closures in the fall (October 1-June 30) will be applied to some roads and trails (as listed in Appendix A of this decision) in order to reduce big game vulnerability to hunting.
- Approximately 6 miles of NFS roads that currently are open, provide limited access, and were identified as an impact to other resources will be decommissioned. In addition, an additional 3 miles of road not currently open or available to motorized use will be decommissioned.
- About 84 miles of existing NFS roads that are currently open to all vehicles but represent dead-end routes will be closed.

The following modifications to Alternative C are included as part of my decision:

- The southern end of the Onion Valley trail (NFS trail 036006) near the junction with NFS road 555BC is very steep. Although it is passable, I am very concerned about its sustainability given anticipated increased use. A reroute of the steep section would be required before this trail is available for motorized use, and there are also several stream crossings that may need to be improved as part of trail maintenance (EA, section 3.2.5). Consequently, this trail will be closed to motorized use through a Special Order established for resource protection, until specific needed rehabilitation measures that would result in a safe, sustainable trail can be evaluated and undertaken.
- Seasonal closures (October 1 – June 30) will not be established on:
  - The NFS 374 road system (NFS roads 374AF, 374BC, 374BE, 374BF, 374BG, 374BI, 374BJ, and 374BK). Access into this area involves an intermingling of state, private and federal lands, and I believe a more intensive evaluation of access and management needs by the various land managers is warranted before any seasonal closures are implemented.
  - NFS roads 678H and 678H1. After further analysis, I determined seasonal closures of these routes would not improve elk vulnerability.
  - The entire length of NFS road 649, and a portion of NFS road 613 from the Banks-Lowman Highway (Forest highway 24) to the junction with NFS road 669J. After further analysis, I determined these routes provide an important seasonal loop opportunity. I recognize that the reduction of seasonal closures through this modification increases elk vulnerability to hunting. However, the analysis shows that seasonal closures implemented through this decision would reduce elk vulnerability below current conditions (i.e., Alternative A, the no-action alternative), and would increase elk vulnerability only slightly from conditions anticipated under Alternatives B or C.<sup>3</sup> Consequently, I believe modified Alternative C represents an acceptable tradeoff in elk vulnerability, and that my decision responds to the issues associated with elk vulnerability while also achieving a balance between fall and spring motorized recreation activities.

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<sup>3</sup> More specifically, modified Alternative C will result in 136,257 acres of elk vulnerability areas (i.e., acres within 0.5 mile of roads open during elk harvest season). As compared to the alternatives displayed in the EA, modified Alternative C will result in an nearly 7 percent decrease in elk vulnerability compared with Alternative A, the no-action alternative (147,069 acres), a less than 1 percent increase over Alternative B (135,841 acres), and a 4 percent increase over Alternative C (131,037 acres) (EA, section 3.4.6.1.3).

- NFS road 605A (3.0 miles) will be designated as open to all motor vehicles 50" or less, to provide a loop opportunity as part of access to a viewpoint. A seasonal closure (October 1 – June 30) will be established on this route to be consistent with seasonal closures on adjoining routes.

These modifications result in only a slight change in the overall designation of motorized routes in the project area, as compared to Alternative C (EA, section 2.3.3; section 2.5). Specifically, a total of 109 miles of NFS trail would be open to vehicles 50" or less, compared with 106 miles in Alternative C. There would be no change in the miles of NFS roads (Maintenance Levels 2-5) open to all vehicles (262 miles) and no change in the miles of NFS trails open to motorcycles only (55 miles). The modification will result in a reduction in the miles of seasonally closed roads and trails from 88 miles under Alternative C to approximately 65 miles under modified Alternative C.

Appendix A of this DN/FONSI includes a list of road segments and how they are designated through this decision. Because the project area is so large, a map displaying the results of my decision is available on the Boise National Forest website (<http://fs.usda.gov/boise>) or by contacting the Emmett RD at the address and phone number included at the end of this document. Appendix B includes the design features and monitoring included as part of my decision.

The interdisciplinary team (IDT) has reviewed these modifications and concluded the modification would result in very minor change in effects compared to Alternative C. More specifically, the analysis shows that the modifications listed above have an immeasurable effect on soil, water, and fish resources and no change in effect to species listed under the Endangered Species Act (ESA). The modifications' primary effect will be on elk vulnerability, and as discussed above, the modifications will result in a relatively small increase in elk vulnerability compared to Alternative C. The IDT's review and conclusions are documented in the project record. In addition, several typographical and grammatical errors in the EA released for 30-day notice and comment have been corrected in the final EA. These corrections did not alter or in any way affect the analysis disclosed in the EA.

### **Rationale for the Decision**

In making a decision on this project, I evaluated the effects disclosed in the EA for each alternative. The EA discloses that either Alternative B or C would have little effect on developed or dispersed camping opportunities within the project area (EA, section 3.2.3), although the seasonal closures in Alternative C would be expected to reduce some recreational opportunities associated with access while improving hunting opportunities (EA, section 3.2.5). The EA also discloses that both Alternative B and Alternative C would result in beneficial effects to many wildlife species, with immeasurable differences between the two alternatives for many species, and more benefits for elk and deer under Alternative C as compared to Alternative B (EA, section 3.4). In addition, there would be an immeasurable change in Total Soil Resource Commitment (EA, section 3.5), and immeasurable effects to most Watershed Condition Indicators (but a cumulative beneficial effect to watershed and fisheries conditions in the Bull Creek subwatershed) (EA, sections 3.6.5.2.3 and 3.6.6.7.2). Under both action alternatives, there would be nearly identical effects to noxious weeds (EA, section 3.7.2.2); cumulative long-term benefits to Threatened, Endangered, sensitive and Forest watch plants (EA, section 3.9.4.2); no adverse effects on cultural resources (EA, section 3.10.3), and only immeasurable or slightly beneficial effects to any Inventoried Roadless Area (EA, section 3.11.4).

Given that the difference in environmental effects between Alternatives B and C were relatively slight, I carefully considered public comments received during scoping period and the 30-day notice and comment period for the EA. After deliberation, I concluded that Alternative C as modified represents the best balance of motorized and non-motorized uses. The following discussion summarizes the rationale for my decision.

- **What changes in the roads, trails, or areas designated for motorized use should occur within the project area?**

My decision meets the purposed and need identified for this project by successfully and uniformly implementing the Forest Service's Travel Management Rule (36 CFR 261.13 2007). In doing so, I believe the designation of these routes will provide a sustainable and manageable system of motorized routes while protecting resources and addressing social conflicts. This decision will also allow the Emmett RD to produce a Motor Vehicle Use Map (MVUM) that will display more accurately to the public the motorized opportunities on the District.

This decision does not preclude consideration of additional motorized opportunities or changes in designated routes to protect other resources in the future. Several comments have been provided that indicate a desire for additional motorized routes. Some of these comments are non-specific, while others involve trails which I believe require a closer look beyond the scope of this decision. These considerations will be made at the site-specific level at a subsequent date.

#### ***a. Roads Open to All Motorized Vehicles***

Public input during scoping and/or during the 30-day notice and comment on the EA did not indicate a need to make major changes to the number or location of roads open to all motorized vehicles. After reviewing public comment, I feel confident that the amount and location of designated roads open to all motorized vehicles is consistent with current public and management needs. My decision provides for public access while reducing road related impacts. This level of access will maintain public access to the general area while reducing road related impacts to other resources.

While several commenters identified a desire to maintain all motorized access routes, few respondents identified specific established unauthorized motorized routes to be designated. When the IDT assessed recreation use within the project area, they found that several dispersed camping areas within the project area are located more than 300 feet from a road. To maintain access to some of these areas, I have designated the appropriate routes as roads open to all motorized vehicles.

Some commenters requested that I address dispersed camping through this decision. After considering these comments, I determined that dispersed camping is outside the scope of this project, because conditions at dispersed recreation sites vary so much that each site needs to be assessed on a site-specific basis at a future date. However, access to dispersed camping along the NFS road 671 from the Silver Creek Plunge to NFS road 671 will continue to be allowed in designated areas only, as specified in the Peace Creek Dispersed Recreation Project Decision Notice/Finding of No Significant Impact (USDA Forest Service, 2001), and along NFS road 382AA along the South Fork Payette River.

#### ***b. Trails***

I received much public input focused upon the number and location of trails designated for motorized use. Some of the comments were general, requesting that all routes be left open or all routes closed. Other comments focused on specific routes:

- Several comments requested that the Peace Creek Trail (NFS trail 034006), Bitter Creek-Silver Creek Trail (NFS trail 028006), Rattlesnake Trail (NFS trail 032006), Bear Wallow Trail (NFS trail 035006), Alley Trail (NFS trail 003006), and One Spoon Trail (NFS trail 043006)

remain open to their current motorized use. Both action alternatives maintained the current designation of these trails and my decision maintains the current motorized use.

- Several comments requested that the Wetfoot Trail (NFS trail 041006) remain open to motorcycles only. This opportunity was evaluated in Alternative C, and my decision designates the Wetfoot trail as “open to motorcycles only.”
- Several comments requested that the Airline Trail (NFS trail 038006) remain “open to motorcycles only” and that the trail be designated down to private land. My decision maintains the current motorized use on this trail. I did not consider designating the trail down to private land because I did not want to encourage users to access land over which the Forest Service has no jurisdiction. In other words, I believe adjacent landowners should be able to reasonably expect that the Forest Service will not designate routes that deliver unwelcome motorized enthusiasts onto their private land, leaving the private landowner to resolve public trespass issues.
- Several comments requested that the entire non-motorized Lightning Ridge Trail be designated as “open to motorcycles only.” Preliminary analysis indicated that the current designation of this trail provides important non-motorized recreation opportunities and that the current designation meets the purpose and need for this project (EA, section 2.4.3). However, my decision does designate 2 miles of the upper end of the Lightning Ridge trail from the Lowman Ranger District boundary to the junction of the Onion Valley trail (036006) as open to motorcycles. This decision specifically meets a Forest Plan objective 1439 for the Lower Middle Fork Payette River Management Area 14 (“Coordinate with the Lowman Ranger District to resolve inconsistent access management of the Lightning Ridge Trail;” Forest Plan, p. III-263) by resolving inconsistent access between the Lowman and Emmett RDs.
- Several comments requested that the portion of the Onion Valley trail (NFS trail 036006) from NFS road 555BC road to the junction with the Alley trail (NFS trail 003006) be designated as “open to motorcycles only.” With this decision, I am designating the trail as “open to motorcycles only.” However, after evaluating the steepness of the trail near the junction with NFS road 555BC, I have concluded that a reroute of the trail within this area might be necessary to provide safe and sustainable conditions. Consequently, this trail will be closed to motorized use through a Special Order established for resource protection, until specific needed rehabilitation measures that would result in a safe, sustainable trail can be evaluated and undertaken. Following this “E” area decision, I will undertake an in-depth evaluation of trail conditions and determine what environmental analysis is needed before trail rehabilitation can occur. I am grateful for the many offers of help, and look forward to working with individuals, organizations, and State agencies to evaluate this trail and if necessary, identify a more sustainable reroute, given the current and anticipated increased use in the future.
- Several comments were focused on motorized access on the Bull Creek and Silver Creek Summit Trails. My decision maintains the current motorized designation on these trails and includes a closure order for resource protection. This approach was outlined in Chapter 2 of the EA (EA, section 2.3.2). As disclosed in the EA, I am in the process of making a separate decision for these trails that will specifically address the class of vehicle, trail improvements designed to reduce impacts to other resources, and season of use.
- Some commenters indicated that designating the NFS route 605A as “open to motorized vehicles 50” or less” would provide a good loop opportunity and access to viewpoints above the Middle Fork Payette River. After reviewing this route on the ground and assessing the

effects to other resources (as described above), I have concluded that this route will provide a loop opportunity while not measurably affecting other resources. A seasonal closure on the 605A route will be implemented consistent with the seasonal closure on the 605A and 605C motorized trails to reduce elk vulnerability to hunting.

- Other comments indicated that the 605C route was a dead end route and therefore not needed. I reviewed this route on the ground and found that it provided view locations of the Middle Fork Payette River not provided by the NFS 605A and 605 B routes. Therefore, my decision will maintain motorized access on the NFS 605C route for vehicles 50" or less, as specified under Alternative C.

- **What type of motorized vehicles should be allowed on these roads and trails in the project area?**

Appendix A provides detailed information on which routes within the project area would be open to motorized use and by what type of vehicle. I designated these roads and trails because I believe this system represents the best balance of motorized and non-motorized uses.

- **In which season(s) should such motorized uses be allowed?**

In part because some scoping comments identified routes where spring and/or fall seasonal closures would reduce wildlife vulnerability to hunting, both Alternatives B and C included seasonal closures. As described in the EA, Alternatives B and C would both reduce disturbance and hunting susceptibility for elk and deer, although Alternative C's seasonal closures would be expected to reduce some access-related recreational opportunities (EA, sections 3.4.6.1.3 and 3.2.5). Some commenters during the 30-day notice and comment period on the EA expressed that seasonal closures on trails eliminated too many fall motorized trail riding opportunities. I have evaluated the seasonal closures identified in Alternative C. The following is a summary of the considerations made and the rationale for determining the extent of seasonal closures within the project area.

- I evaluated seasonal closures on the NFS road system 374 (NFS roads 374AF, 374BC, 374BE, 374BF, 374BG, 374BI, 374BJ, and 374BK) that were included with Alternative C. I am concerned that access into this area is obtained across lands owned or administered by the Bureau of Land Management, State of Idaho, and private land owners. In some cases, access to Forest Service lands is achieved through several easements through private land. I believe a more intensive evaluation of land ownership access needs and effects seasonal closures might have on management within this area is needed. Therefore, my decision does not include seasonal closures in this area.
- I evaluated seasonal closures on NFS 678H and 678H1 trails that were included with Alternative C. After reviewing the elk vulnerability analysis, I concluded that seasonal closures in this area did not contribute to a reduction in vulnerability. Therefore, my decision does not include seasonal closures in this area.
- I evaluated seasonal closures on the NFS 646 and 613 trail system that were included with Alternative C. Although seasonal closures on these routes did reduce elk vulnerability, they also eliminated fall and spring loop opportunities for motorized recreation. My decision implements a 2-mile seasonal closure on NFS 613 trail from Highway 24 to the junction of NFS 613 and 646 trails. However, my decision does not include seasonal closures on the NFS 646 or 613 trails or NFS road 699J. I believe this decision provides a good loop opportunity for fall motorized recreation, with an acceptable tradeoff in elk vulnerability, as described above under "Decision."

The analysis further shows that my decision largely maintains current miles of access of routes "open to motorcycles only" (EA, section 2.5). My decision reduces the total amount of miles available for motorized vehicles 50" or less by eliminating some established but unauthorized dead end routes on roads closed to all motorized use. However, during the 30-day notice and comment period on the EA, I received few public comments requesting that these roads remain open. In addition, my decision increases the number of designated trails available for vehicles 50" or less by 83 miles (109 miles under modified Alternative C, compared to 26 miles under Alternative A.) I believe Alternative C provides motorized access on most key routes requested by the public as well as provides designated loop opportunities for vehicles 50" or less.

### **Other Alternatives Considered**

In addition to the proposed action (Alternative B), two alternatives were developed and analyzed in detail in the EA: Alternative A (No Action) and Alternative C (Enhanced Motorized Access). The No Action alternative is required under NEPA and Alternative C was developed in response to significant issues developed as a result of public comments during the scoping period.

- **Alternative A (No Action):** This is the required "no action" alternative that provides a baseline against which the impacts of the various action alternatives can be measured and compared. Under Alternative A, public motorized travel within the project area would continue on all NFS roads and trails currently designated for motorized travel, as well as all established but currently unauthorized routes consistent with Forest Special Order #0402-00-05 (EA, section 2.3.1). Alternative A was not selected because it would not allow development of an MVUM and therefore would not meet the project's purpose and need (implementing the Forest Service Travel Management Rule within the project area) (EA, section 3.2.3).
- **Alternative B (Proposed Action):** Alternative B is the proposed action. Alternative B would designate about 418 miles out of the existing 559 known and currently used motorized routes within the project area (EA, section 2.3.2). As described above under "Rationale for the Decision," Alternative B was not selected because it would not result in little difference in environmental effects as compared to Alternative C, and because I believe Alternative C as modified through this decision responds better to public comments and achieves a better balance of designated motorized access.

In addition, the EA includes three alternatives considered but eliminated from detailed study (EA, section 2.4):

**Designation of All Unauthorized Routes:** Under this alternative, all currently established but unauthorized routes within the project area would be designated for motorized use and incorporated into the Forest Service's official transportation system. This alternative would be inconsistent with the Forest Service's national policy of implementing travel management to provide a sustainable and manageable system of motorized routes while protecting resources and addressing social conflict. More specifically, this alternative would result in a network of unplanned and unrelated routes, some of which are unsustainable and causing resource impact, are redundant with other routes and which individually provide very limited recreation opportunity. In addition, inventorying, mapping, and signing of all these routes would be impractical and result in a system infeasible to effectively manage and administer. For these reasons, this alternative was considered but eliminated from detailed study.

**Designation of Only Routes on the Forest Service's Official Transportation System:** This alternative would limit designated routes to only those that are currently on the NFS authorized transportation system. The authorized motorized routes included in this alternative are a subset of the routes included and analyzed in Alternative A. This alternative was considered and eliminated from detailed study because it would not address management needs, and concerns for motorized access

raised by the public, and because the effects of designating these routes are already addressed in an alternative considered in detail (e.g., Alternative A).

**Change Current Designation of NFS Trails:** Many public comments suggested changes to the current designation of NFS trails on both non-motorized and motorized trails, including the Lightning Ridge, Onion Valley, Alley and Airline trails. An alternative that would change the current designations of these trails was considered but eliminated from detailed study because preliminary analysis indicates that the condition of the trails at the current designations is sustainable, that the current designation of each trail provides important recreation opportunities, and that consequently, the current designation of these trails already meets the purpose and need for this project.

### **Tribal Consultation**

Shoshone-Paiute tribal representatives were presented the Emmett Ranger District "E" Area Motorized Wheeled Vehicle Travel Management Project's proposed action at the November 13, 2008 and January 8, 2009 Wings and Roots meeting. Tribal Chairs of both the Nez Perce and Shoshone-Bannock Tribes were mailed project proposals on December 13, 2008. On March 9, 2009, the proposed action was presented to the Shoshone-Bannock Tribes. On July 8, 2009, the EA was mailed to the Nez Perce and Shoshone-Bannock tribes. The Shoshone-Paiute tribal representatives were presented the EA for review and comment during the July 10, 2009 Wings and Roots meeting. On August 14, 2009, the Shoshone-Bannock Tribes met with Forest Service representatives to provide comments on the EA. Tribal comments were considered in development of the environmental analysis, and in the selection of modified Alternative C as the decision.

### **Public and Other Agency Involvement and Identification of Issues**

The proposed Emmett Ranger District "E" Area Motorized Wheeled Vehicle Travel Management Project has been listed in the Boise NF Schedule of Proposed Actions (SOPA) since January 2009. On February 19, 2009, Forest Service representatives presented specific proposed project activities to U.S. Fish and Wildlife Service and NOAA Fisheries personnel at a scheduled Level 1 meeting. On June 16, 2009, Forest Service representatives presented the selected alternative to the U.S. Fish and Wildlife Service and NOAA Fisheries personnel at a scheduled Level 1 meeting.

A scoping package describing the Proposed Action was mailed to over 78 individuals, agencies, and/or groups on December 17, 2008. Public meetings were held in Emmett, Idaho on January 6, 2009, Garden Valley, Idaho on January 7, 2009, and Boise on January 8, 2009. In these public meetings, the Travel Management Rule requirements were summarized, the proposed action was presented, and attendees were invited to provide comment. In addition, scoping documents were sent to the Chairperson for the Federal Lands Hunting, Fishing, and Shooting Sports Roundtable (FS MOU # 06-SU-11132424-118) on March 25, 2009. A total of 41 interested parties responded to the scoping. Respondents expressed a variety of concerns and opinions regarding the type of motorized vehicles to be allowed within the project area. The planning record contains all written comments received during scoping and discloses how the Interdisciplinary Team addressed those concerns.

Two significant issues – points of unresolved conflict with the proposed action – were identified during internal and external scoping. These issues include "Reduced Motorized Access Opportunities," and "Effects of Designating Routes on Wildlife, Water, Fisheries and Non-Motorized Recreational Opportunities" (EA, section 1.10). Alternative C was developed to respond to these issues.

The EA was sent to 105 interested parties for review and comment. A total of 23 comments were received on the EA.

During the 30-day notice and comment period on the EA, respondents expressed a variety of concerns and opinions in support and opposition to designation of various motorized routes. As described above under "Rationale for the Decision," I carefully considered these concerns and opinions, as well as those expressed during the scoping period, in making my decision. Appendix C includes the comments received during the 30-day notice and comment period (including one comment received after the notice and comment period ended) and the associated Forest Service responses.

### **Consistency with the Forest Plan, NFMA and Other Laws**

My decision is consistent with Federal, State, and local laws or requirements imposed for the protection of the environment. More specifically:

**National Forest Management Act (NFMA)/Forest Plan Consistency:** Management direction for the project area is provided in the 2003 Land and Resource Management Plan for the Boise National Forest (Forest Plan) developed under the NFMA. Chapter III of the Forest Plan describes management direction to guide Forest personnel to achieve desired outcomes and conditions for both land stewardship and public service. This direction is presented in two sections: (1) Forest-wide Management Direction, and (2) Management Area Description and Direction. The Forest-wide management direction provides general direction for all Forest resources and the foundation for more specific direction at the management area level. The management area description and direction describes these areas in detail, highlights resource areas of importance or concern, and prescribes specific management direction to address these concerns. Activities within the various management areas are further directed by management prescription categories (MPCs). MPCs are broad categories of management prescriptions that indicate the general management emphasis prescribed for a given area.

The entire project area lies within Management Area (MA) 9, Harris Creek; MA 11 Lower South Fork Payette River (Forest Plan, p. III-216 – III-229); MA 14 Lower Middle Fork Payette River (Forest Plan, p. III-254 – III-265); MA 15 Upper Middle Fork Payette River (Forest Plan, p. III-266 – III-277); and MA 17 North Fork Payette River (Forest Plan, p. III-290 – III-301).

Many Forest Plan standards and guidelines (both Forestwide and at the management area level) are relevant to this project. A list of those standards and guidelines, along with project consistency analysis, is included in the project record. As documented in this project consistency analysis, my decision is consistent with and helps carry out management direction provided in the 2003 Forest Plan.

**36 CFR §§ 212, 251, 261, and 296 Travel Management; Designated Routes and Areas for Motor Vehicle Use:** These regulations address travel management on NFS-managed public lands related to motor vehicle use, including the use of OHVs. The final rule requires designation of those roads, trails, and areas that are open to motor vehicle use. Designations will be made by class of vehicle and, if appropriate, by the season of use. The final rule also prohibits the use of motor vehicles off the designated system, as well as use of motor vehicles on routes and in areas that are not consistent with the designations.

National direction for travel management, specifically off-road use of motor vehicles on federal lands, is provided by Executive Order (E.O.) 11644 (February 8, 1972) as amended by E.O. 11989 (May 24, 1977). These executive orders direct federal agencies to ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands. Forest Service rules at 36 CFR Part 295 (2007) codify the requirements in E.O. 11644 and E.O. 11989.

Regulations regarding travel management on NFS lands were modified in 2005 (36 CFR Parts 212, 251, 261, 295 "Travel Management – Designated Routes and Areas for Motor Vehicle Use", Federal Register

2005: 70 FR 68264 (November 9, 2005)). The Travel Management Rule cannot be applied until the Forest Service decides the routes upon which motorized wheeled-vehicle travel is authorized. This decision allows for successful implementation of the rule on the Emmett RD. rule can be applied. (Final directives, which provide Forest Service direction to field units, for the travel management regulations were published in the Federal Register on December 9, 2008 [73 Federal Register 74689-74703]).

***Migratory Bird Treaty Act:*** All alternatives would comply with the Migratory Bird Treaty Act. This project may however result in an "unintentional take" of individuals during proposed activities. However the project complies with the U.S. Fish and Wildlife Service Director's Order 131 related to the applicability of the Migratory Bird Treaty Act to federal agencies and requirements for permits for "take." In addition, this project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186. Migratory bird species are analyzed and discussed in Chapter 3 of the EA (section 3.4). If new requirements or direction result from subsequent interagency memorandums of understanding pursuant to Executive Order 13186, this project would be evaluated to ensure that it is consistent.

***Endangered Species Act:*** Determinations disclosed in the EA have concluded that my decision will have "no effect" on the northern Idaho ground squirrel, "no impact" on the yellow-billed cuckoo or southern Idaho ground squirrel, and it "may affect, not likely to adversely affect" the Canada Lynx (EA, section 3.4.1). A Biological Assessment (BA) that included effects associated with this decision, as well as another anticipated decision addressing trail improvements and rehabilitation activities within the upper portion of the Silver Creek and Bull Creek drainages, was submitted to US Fish and Wildlife Service on July 6, 2009. The analysis in the BA submitted to the U.S Fish and Wildlife Service concluded that this decision, along with the anticipated trail improvement/rehabilitation decision in Silver and Bull creeks, would likely "adversely affect" bull trout. On August 31, 2009, the U.S. Fish and Wildlife Service provided a Biological Opinion (BO) that concluded that these decisions are not likely to jeopardize the continued existence of bull trout as a listed entity (range-wide) (BO, pp. 39). The BO also included Reasonable and Prudent Measures (RPMs) to avoid or minimize "take" that must be carried out. I have included the Terms and Conditions that carry out the RPMs as part of the design features and monitoring associated with my decision, as described in Appendix B of this document. The BA and BO are included in the project record.

***Clean Water Act:*** Project activities are expected to meet all applicable State of Idaho water quality standards. Implementing my decision is expected to have an immeasurable reduction in sediment delivery to project area streams (EA, section 3.6)

***National Historic Preservation Act:*** The NHPA provides for the protection of prehistoric and historic resources. Archeological inventory did not reveal known sites that would be jeopardized by the designation of a system of motorized routes. Alternative C was reviewed and determined to have no adverse effect on any historic properties. The Idaho State Historic Preservation Officer (SHPO) has concurred with this determination, with three stipulations (project record). I have included these stipulations as part of my decision, as outlined in Appendix B.

***Executive Order 13443 – Facilitation of Hunting Heritage and Wildlife Conservation:*** On August 16, 2007, President George Bush signed an Executive Order directing appropriate federal agencies to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat. Section 3.4 of the EA discloses the effects of the alternatives on big game wildlife species. My decision will have beneficial impacts on elk and deer, due to a reduction in disturbance and susceptibility to hunting mortality.

**Idaho Stream Alteration Act:** All action alternatives would adhere to the requirements of the Idaho Stream Alterations Act and the 404 Permit Process of the U.S. Corps of Engineers. The goals of Executive Orders 11988 and 11990 would be met.

**Executive Order 12898 – Environment Justice:** In accordance with Executive Order (EO) 12898 (59 FR 32, 1994), all action alternatives were assessed to determine whether they would have disproportionately high and adverse human health including social and economic effects, on minority or low-income human populations. No effects have been identified.

**Inventoried Roadless Areas:** Inventoried Roadless Areas (IRAs) possess social and ecological values and characteristics that are becoming scarce in our Nation's increasingly developed landscape. Protecting air and water quality, biodiversity, and opportunities for personal renewal are highly valued qualities of roadless areas. Conserving IRAs leaves a legacy of natural areas for future generations. The Roadless Area Conservation Rule (36 CFR §§294 et seq., 2007) limits or prohibits activities that would most negatively affect these values. These IRAs exist within Forest Plan MPC 4.1c which allows for motorized recreation opportunities (Forest Plan, p. III-87).

In October 2008, the US Department of Agriculture adopted a state-specific, final rule establishing management direction for designating roadless areas in Idaho (36 CFR 294; 73 Federal Register 61456-61496). The final rule designates 250 Idaho Roadless Areas, including the six within the project area, and establishes five management themes that provide prohibitions with exceptions or conditioned permissions governing road construction, timber cutting and discretionary mineral development. The final rule also notes that decisions concerning the future management of existing roads or trails in Idaho Roadless Areas shall be made during the applicable travel management process (36 CFR 294.26(a))

The "E" Travel Management Areas include all or portions of the six IRAs: Peace Rock, Bear Wallow, Deadwood, Bald Mountain, Grimes Pass and Hawley Mountain. The effects of the alternatives on these IRAs are disclosed in Section 3.11 of this EA. Slight and/or beneficial effects to IRAs would be anticipated under Alternative C (EA, section 3.11).

### **Finding of No Significant Impact**

I have reviewed the Council on Environmental Quality (CEQ) regulations for significance (40 CFR §1508.27) and have determined that this decision is not a major Federal action that will significantly affect the quality of the human environment, either individually or cumulatively. Preparation of an Environmental Impact Statement (EIS) pursuant to Section 102(2)(c) of the NEPA is not required. This determination is based on the following factors, as outlined in 40 CFR§1508.27:

#### ***This decision is limited in geographic application (40 CFR §1508.27(a)).***

My decision primarily regulates motorized access on about 241,293 acres (68 percent) of a ranger district that is about 353,775 acres in size. Out of this area, about 131,037 acres of motorized influence zone – the area within 0.5 mile of a motorized travel route – is potentially affected by my decision (EA, sections 2.5 and 3.4.6.1.2). This influence zone represents about 37 percent of the Emmett RD.

#### ***This decision does not cause significant beneficial or adverse impacts (40 CFR §1508.27(b)(1)).***

My decision allows implementation of the Forest Service's Travel Rule. My decision provides for uniform, enforceable, and understandable regulation of motorized wheeled-vehicle travel on the entire Emmett RD. It eliminates unauthorized routes on the district by either designating them or closing them. In addition, as described above under "Rationale for the Decision," my decision will result in only slight beneficial or undesirable environmental effects, while enhancing motorized recreation opportunities.

***This decision does not significantly affect public health or safety (40 CFR §1508.27(b)(2)).***

The public raised no concerns about the effect my decision might have on public health and safety. The designation of these routes and areas does not, on its own, authorize any ground-disturbing activities or direct changes to the environmental status quo. The miles of decommissioning will not result in any substantial change or risk to public health and safety.

***This decision does not significantly affect any unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (40 CFR §1508.27(b)(3)), does not adversely affect anything listed or eligible for listing in the National Register of Historic Places, nor does it cause loss or destruction of significant scientific, cultural, or historic resources (40 CFR §1508.27(b)(8)).***

The Forest Archeologist has reviewed all action alternatives of the proposal and has determined that there will be "no adverse effect" to historic properties. The Idaho State Historic Preservation Officer (SHPO) has concurred with this determination, with the inclusion of three stipulations (project record). I have included these stipulations as part of my decision, as outlined in Appendix B. There will be no effect on wetlands (EA, sections 3.6.1.2; Soil, Watershed and Fisheries Specialist's Report in the project record) or wild and scenic rivers (EA, Section 3.12). My decision will not affect parklands, farmlands, or ecologically critical areas or cause the destruction of significant scientific, cultural, or historic resources.

***This decision does not cause effects on the quality of the human environment that are likely to be highly controversial (40 CFR §1508.27(b)(4)).***

As indicated by the comments received in the preparation of the EA and this decision, there are differing opinions in the community on the importance of maintaining or increasing the existing level of motorized recreational access in the area primarily covered by this decision. While some have disagreed with the proposal or its need, there has been no controversy about the effects disclosed in the analysis. In other words, although some may not support the decision, the public comments did not materially question the effects analysis on scientific grounds.

***This decision does not establish any highly uncertain, unique, or unknown risks (40 CFR §1508.28(b)(5)).***

There are no unique, highly uncertain, or unknown environmental risks associated with the designation of routes and areas for use by motorized wheeled-vehicles. The effects of these designations will be similar to the effect of other route designations that have been completed, both on the Boise NF and at a broader scale. The routes designated in this decision have been used for motorized recreation, and will continue to be used for those purposes.

***This decision does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration (40 CFR §1508.27(b)(6)), nor is it related to other actions with individually insignificant but cumulative significant impacts (40 CFR §1508.27(b)(7)).***

This is a project-level decision. The nature of this decision is not precedent setting, nor does it represent a precedent for any future decisions, as the designations of routes and areas for motorized use have been and will continue to be carried out on the Boise NF and other National Forests to help achieve management goals and other public interests. Any future route or area designations would be subject to full NEPA analysis and public involvement, and considered on their own merits. As documented in Chapter 3 of the EA, few direct and indirect effects are likely to result from the designation and the small amount of decommissioning, and none would combine with the effects of other past, present, or reasonably foreseeable future actions to a significant extent.

***This decision will not adversely affect an endangered or threatened species or its habitat §1508.27(b)(9)).***

As described above under "Consistency with the Forest Plan, NFMA and Other Laws," my decision will not adversely any endangered or threatened species or its habitat.

***This decision does not threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment (40 CFR §1508.27(b)(10)).***

Details describing consistency with relevant laws, regulations, and policy are disclosed in the "Consistency with the Forest Plan, NFMA and Other Laws" of this DN and section 1.7 of the EA.

### **Administrative Review and Appeal Opportunities**

This decision is subject to administrative appeal pursuant to 36 CFR Part 215, only by those individuals and organizations who provided comments or otherwise expressed interest during the 30-day notice and comment period on the Proposed Action. The appeal must meet the requirements at 36 CFR §215.14.

The Appeal Deciding Officer is Cecilia R. Seesholtz, Forest Supervisor, Boise NF. Appeals filed by regular mail or express delivery must be sent to: Appeal Deciding Officer; Intermountain Regional Office; 324 25th Street; Ogden, UT 84401. Incorporation of documents by reference is not allowed. Appeals may also be hand-delivered to the above address between the hours of 8:00 AM and 4:30 PM Mountain Time, Monday through Friday, excluding holidays. Appeals may also be faxed to (801) 625-5277.

Electronic appeals must be submitted in a rich text format (.rtf) or Microsoft Word (.doc) format as an email message to: [appeals-intermtn-regional-office@fs.fed.us](mailto:appeals-intermtn-regional-office@fs.fed.us). E-mailed appeals must include the project name in the subject line. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of the legal notice of decision in *the Messenger-Index*, the newspaper of record, Emmett, Idaho. Attachments received after the 45-day appeal period will not be considered. The publication date in *the Messenger-Index* is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

### **Implementation**

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15<sup>th</sup> business day following the date of the last appeal disposition.

### **For More Information**

For additional information regarding this decision, contact John Erickson at the Emmett RD, 1805 Highway 16, Room 5; Emmett, ID 83617; or phone (208) 365-7000.



**JOHN R. ERICKSON**  
District Ranger  
Emmett Ranger District  
Boise National Forest

9/11/09  
Date